

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

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[Untimely Protest of DOE Contract Award]

FILE: B-199748

DATE: August 6, 1980

MATTER OF: Ling Electronics, Inc.

DIGEST:

Protest to GAO forwarded by contracting agency and received in our Office more than 10 working days after basis for protest was known is untimely, and therefore will not be considered on its merits.

On July 25, 1980, our Office received a letter from the Department of Energy enclosing a copy of a July 3 letter to the General Accounting Office from Ling Electronics, Inc. protesting the contract award under request for quotations No. 202884-13 issued by Monsanto Research Corporation apparently on behalf of the Department of Energy.

The protest indicates that Ling Electronics learned of the award shortly before the date of the firm's letter. Our Bid Protest Procedures require that a protest to our Office against the award of a contract be "filed not later than 10 [working] days after the basis for protest is known or should have been known, whichever is earlier," 4 C.F.R. § 20.2(b)(2)(1980), and define "filed" as "receipt in the General Accounting Office." 4 C.F.R. § 20.2(b)(3).

(We have no record of ever having received the original of the letter. Accordingly, the protest must be considered to have been filed in our Office on July 25 for purposes of our Procedures' filing requirement. See National Designers, Inc. B-195353, B-195354, August 6, 1979, 79-2 CPD 86. Since that date is more than 10 working days after Ling Electronics knew the basis for protest, the matter is untimely under section 20.2(b)(2).

With respect to the above, the fact that the Department of Energy may have received the July 3 letter within

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the prescribed period is irrelevant, since the protest was directed to the General Accounting Office. National Designers, Inc., supra.

The protest is dismissed.

Harry R. Van Cleave
for Milton J. Socolar
General Counsel